U.S. Army Corps of Engineers NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2003-01139 PROJECT LOCATION INFORMATION: New York County: Clinton Center coordinates of site (latitude/longitude): lat:45-0-10.0080 lon:73-21-43.9920 Approximate size of area (parcel) reviewed, including uplands: 110 acres. Name of nearest waterway: Lake Champlain Name of watershed: LAKE CHAMPLAIN JURISDICTIONAL DETERMINATION Desktop determination Completed: [X]Date: June 10, 2004 Site visit(s) Date(s): [] Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [] (ii) from which fish or shellfish are or eould be taken and sold in interstate or foreign commerce.
  - [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The work proposed is along and seaward of the Montgomery Street shoreline of Lake Champlain. Lake Champlain is considered a navigable water.

[X] Ordinary High Water	impressed on the bank ter and debris racter of soil	parts 328 and 329) [] High Tide Line indicated by:
[ ] Mean High Water Ma [ ] survey to available		s; [] vegetation lines/changes in vegetation types.
[] Wetland boundaries, a	s shown on the attached wetla	nd delineation map and/or in a delineation report prepared by:
[] Headquarters declined [] The Corps has made a the United States: [] Waste treatment sy [] Artificially irrigate [] Artificial lakes and retain water and wirice growing. [] Artificial reflecting by excavating and/ [] Water-filled depres the purpose of obta abandoned and the 328.3(a). [] Isolated, intrastate [] Prior converted cro	nsists entirely of uplands.  presence of waters in 33 CFR to approve jurisdiction on the case-specific determination the stems, including treatment por dareas, which would revert to ponds created by excavating hich are used exclusively for some or diking dry land to retain was sions created in dry land incidening fill, sand, or gravel unleading fill, sand, or gravel unleading high the Newtonian with the second with the nonexus to interpland, as determined by the Newton to approve the second with the nonexus to interpland, as determined by the Newton the second water meets.	basis of 33 CFR part 328.3(a)(3).  nat the following waters present on the site are not Waters of ands or lagoons, pursuant to 33 CFR part 328.3.  o upland if the irrigation ceased.  and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodics of water created atter for primarily aesthetic reasons.  Idental to construction activity and pits excavated in dry land for ass and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR
[X] Maps, plans, plots or	DICTIONAL DETERMINAT plat submitted by or on behalt ubmitted by or on behalf of the	f of the applicant.
[ ] This office does no [ ] Data sheets prepared b [X] Corps' navigable wate [ ] U.S. Geological Surve	ers' studies: y Hydrologie Atlas: y 7.5 Minute Topographic ma y 7.5 Minute Historic quadran y 15 Minute Historic quadran y 15 Minute Historic quadran gees Conservation Service Soil intory maps: ventory maps: ventory maps: levation is: (NGVD) ame & Date): levation is: (NGVD) ame & Date): te): n Wetland maps: n conducted on: case law:	ps: gles:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2004-00511

### PROJECT LOCATION INFORMATION:

State: New York
County: Schenectady

Center coordinates of site (latitude/longitude): lat:42-49-15.9960 lon:73-52-28.9920

Approximate size of area (parcel) reviewed, including uplands: 12.4 acres.

Name of nearest waterway: Unnamed Tributary Name of watershed: Mohawk River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination [ ] Date:

Site visits [X] Dates: 8 June 2004
9 December 2004

#### Jurisdictional Determination (JD):

[]	Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Cheek all that apply:
  - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
  - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2.17 acres.
  - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

    [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

## B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [ ] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [ ] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	Lateral Extent of Jurisdiction: (Reference: 33 CFR [X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:				
	<ul> <li>[X] clear, natural line impressed on the bank</li> <li>[X] the presence of litter and debris</li> <li>[X] changes in the character of soil</li> </ul>	<ul><li>[ ] oil or scum line along shore objects</li><li>[ ] fine shell or debris deposits (foreshore)</li><li>[ ] physical markings/characteristics</li></ul>				
	[X] changes in the character of son  [X] destruction of terrestrial vegetation  [] shelving  [] other:	[ ] tidal gages [ ] other:				
	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.				
	[X] Wetland boundaries, as shown on the attached wetla Male, P.C.	and delineation map and/or in a delineation report prepared by: C.T				
	Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands.					
	[] Unable to confirm the presence of waters in 33 CF	'R part 328(a)(1 2, or 4-7).				
	Headquarters declined to approve jurisdiction on the					
		that the following waters present on the site are not Waters of				
	[ ] Waste treatment systems, including treatment po [ ] Artificially irrigated areas, which would revert					
	[ ] Artificial lakes and ponds created by excavating retain water and which are used exclusively for	g and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or				
	riee growing. [ ] Artificial reflecting or swimming pools or other	small ornamental bodies of water created				
	by excavating and/or diking dry land to retain v					
	the purpose of obtaining fill, sand, or gravel un	idental to construction activity and pits excavated in dry land for less and until the construction or excavation operation is to the definition of waters of the United States found at 33 CFR				
	[X] Isolated, intrastate wetland with no nexus to in	terstate commerce.				
		Natural Resources Conservation Scrvice. Explain rationale:				
	[] Other (explain):					
DATA	<b>REVIEWED FOR JURISDICTIONAL DETERMINA</b> [X] Maps, plans, plots or plat submitted by or on beha					
	[X] Data sheets prepared/submitted by or on behalf of	the applicant.				
	[] This office does not concur with the delineation	dated 12 May 2004, prepared by C.T. Male Associates: report, dated , prepared by (company):				
	[ ] Data sheets prepared by the Corps.					
	[] Corps' navigable waters' studies:					
	[ ] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic in	nans: Niskavuna & Schenectady NY				
	[] U.S. Geological Survey 7.5 Minute Historic quadra					
	[ ] U.S. Geological Survey 15 Minute Historic quadrar	ngles:				
	[X] USDA Natural Resources Conservation Service So					
	[X] National wetlands inventory maps: Niskayuna, NY [X] State/Local wetland inventory maps: Niskayuna &					
	[] FEMA/FIRM maps (Map Name & Date):	Schenectady, N				
	[] 100-year Floodplain Elevation is: (NGVD)					
	[] Acrial Photographs (Name & Date):					
	[X] Other photographs (Date): 30 April 2004					
	[] Advanced Identification Wetland maps: [X] Site visit/determination conducted on: 8 June 2004					
	[] Applicable/supporting case law:					
	[] Other information (please specify):					

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delincated using the methods and criteria established in the Corps Wetland Delincation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) **DISTRICT OFFICE:** FILE NUMBER: 2004-00917 PROJECT LOCATION INFORMATION: State: New York Orange County: Center coordinates of site (latitude/longitude): lat:41-25-50.3760 lon:74-33-28.3680 Approximate size of area (parcel) reviewed, including uplands: 25.61 acres. Name of nearest waterway: Shawangunk Kill HUDSON RIVER - YONKERS TO POUGHKEEPSIE Name of watershed: JURISDICTIONAL DETERMINATION Desktop determination Date: Completed: [] Site visit [X] Dates: August 24, 2004 Jurisdictional Determination (JD): [ ] Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 6.53 acres. [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate conunerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are associated with the Shawangunk Kill, which is a tributary to the Wallkill, which ultimately discharges into the Hudson River.

[X] (7) The presence of wetlands adjacent? to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[ ] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or seum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[ ] shelving	[] other:
	[ ] other.
[] other:	
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.
[X] Wetland houndaries, as shown on the attached wet Consultants, Inc	tland delineation map and/or in a delineation report prepared by: ERS
Basis For Not Asserting Jurisdiction:	
[ ] The reviewed area consists entirely of uplands.	
Unable to confirm the presence of waters in 33 CF	D nort 200(a)(1, 2, or 4.7)
[ ] Headquarters declined to approve jurisdiction on the	
the United States:	that the following waters present on the site are not Waters of
	ands or laggans, nursuant to 22 CED mart 220.7
[] Waste treatment systems, including treatment po	
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	such purposes as stock watering, irrigation, settling basins, or
rice growing.	such purposes as stock watering, irrigation, setting oasins, or
[ ] Artificial reflecting or swimming pools or other	small ornamental hodies of water created
by excavating and/or diking dry land to retain v	
	idental to construction activity and pits excavated in dry land for
	less and until the construction or excavation operation is
	ts the definition of waters of the United States found at 33 CFR
328.3(a).	is the definition of waters of the Officed States found at 33 CFR
[ ] Isolated, intrastate wetland with no nexus to into	erstate commerce
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	
Other (explain):	of of dry fand. Explain fationale.
[ ] Other (explain).	
DATA REVIEWED FOR JURISDICTIONAL DETERM	MINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on beha	
[X] Data sheets prepared/submitted by or on behalf of	
	dated: 25 March 2005, prepared by ERS Consultants, Inc
[] This office does not concur with the delineation	
Data sheets prepared by the Corps.	, property (
[] Corps' navigable waters' studies:	
[ ] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic m	naps: Otisviile
[ ] U.S. Geological Survey 7.5 Minute Historic quadra.	
[ ] U.S. Geological Survey 15 Minute Historic quadran	
[X] USDA Natural Resources Conservation Service So	
[X] National wetlands inventory maps:	
[X] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[ ] 100-year Floodplain Elevation is: (NGVD)	
[] Acrial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: 24 August 2	.004
[ ] Applicable/supporting case law:	
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2004-00919

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State: New York County: Orange

Center coordinates of site (latitude/longitude): lat:41-25-14.5560 lon:74-26-27.8160

Approximate size of area (parcel) reviewed, including uplands: 72.64 aeres.

Name of nearest waterway: Unnamed Tributary

Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination [] Date:

Date: August 24, 2004 Site visit [X]

### Jurisdictional Determination (JD):

[]	[] Preliminary JD - Based on available information, [] there appear to be (or) [] there a	appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A pr	eliminary JD is not appealabl
	(Reference 33 CFR part 331).	

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
  - [ ] There ore "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
  - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 15.74 aeres and 3660 linear fect of stream channel.
  - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

# A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

## B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[]	(1)	) The presence of v	waters, whi	ch are curro	ntly used,	or were	used in t	he past, o	r may be	e susceptible t	o use in
		interstate or forei	gn commer	cc, ineluding	g all water	s which	are subje	ect to the	ebb and	flow of the ti-	de.
Г1	(2)	The presence of i	interstate w	aters includi	ng intersta	ate wetla	nds¹.				

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial scas.
- [X] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands and stream channels of the site are tributaries to Monhagen Brook, which is a tributary to the Hudson River, a navigable water body.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	[X] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:
	[X] clear, natural line impressed on the bank [] oil or seum line along shore objects
	[X] the presence of litter and debris
	[X] changes in the character of soil [] physical markings/characteristics
	[X] destruction of terrestrial vegetation [ ] tidal gages
	[X] shelving [] other:
	[ ] other:
	[ ] Mean High Water Mark indicated by:
	[] survey to available datum; [] physical markings; [] vcgetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by Esposito and Associates
	Basis For Not Asserting Jurisdiction:
	[] The reviewed area consists entirely of uplands.
	[ ] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	[X] The Corps has made a case-specific determination that the following waters present on the site are not Waters of
	the United States:
	[ ] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	[ ] Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	[ ] Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	[ ] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	[X] Isolated, intrastate wetland with no nexus to interstate commerce.
	[ ] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	[ ] Other (explain):
<b>5</b> 0.400.4	DEVICENCED FOR MUNICIPALITY DEPENDANTATION ( . 1 . 11.4)
DATA	REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on behalf of the applicant.
	[X] Data sheets prepared/submitted by or on behalf of the applicant.
	[X] This office concurs with the delineation report, dated April 2, 2004, prepared by: Robert Torgersen, LA, CPESC
	[] This office does not concur with the delineation report, dated , prepared by (eompany):
	[ ] Data sheets prepared by the Corps.
	[ ] Corps' navigable waters' studies:
	[ ] U.S. Geological Survey Hydrologic Atlas:
	[X] U.S. Geological Survey 7.5 Minute Topographic maps:
	[ ] U.S. Geological Survey 7.5 Minute Historic quadrangles:
	[ ] U.S. Geological Survey 15 Minute Historic quadrangles:
	[X] USDA Natural Resources Conservation Service Soil Survey:
	[ ] National wetlands inventory maps:
	[X] State/Local wetland inventory maps:
	[] FEMA/FIRM maps (Map Name & Date):
	[] 100-year Floodplain Elevation is: (NGVD)
	[ ] Aerial Photographs (Name & Date):
	[X] Other photographs (Date):November 2003
	[] Advanced Identification Wetland maps:
	[X] Site visit/determination conducted on: August 24, 2004
	[A] Site visit/determination conducted on. Adgust 24, 2004 [ ] Applicable/supporting ease law:
	[ ] Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2004-01183 PROJECT LOCATION INFORMATION: New York State: Suffolk County: Center eoordinates of site (latitude/longitude): lat:40-48-42.6240 lon:72-37-30.4320 Approximate size of area (pareel) reviewed, including uplands: 0.013 aeres. Name of nearest waterway: Quantuck Creek Name of watershed: Quantuck Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination [X] Date: November 16, 2004 Site visit(s) [] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are eurrently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or

destruction of which could affect interstate commerce including any such waters (check all that apply):

- [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industrics in interstate commerce.

[ ] (4) Impoundments of waters otherwise defined as waters of the US.

- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [ ] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Quantuck Creek is subject to the ebb and flow of the tide and is a tributary to Quantuck Bay, a navigable waterway.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[ ] Ordinary High Water Mark indicated by:	[ ] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[ ] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	shelving	[ ] other:
		[ ] other.
	[ ] other:	
	[X] Mean High Water Mark indicated by:	
		ngs; [X] vegetation lines/changes in vegetation types.
	[A] survey to available datum, [A] physical marking	igs, [A] vegetation intestenanges in vegetation types.
	[] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[ ] Unable to confirm the presence of waters in 33 CFF	R part 328(a)(1, 2, or 4-7).
	[ ] Headquarters declined to approve jurisdiction on the	e basis of 33 CFR part 328.3(a)(3).
	[ ] The Corps has made a case-specific determination the	hat the following waters present on the site are not Waters of
	the United States:	- ,
	[ ] Waste treatment systems, including treatment po	nds or lagoons, pursuant to 33 CFR part 328.3.
	[ ] Artificially irrigated areas, which would revert to	
	[ ] Artificial lakes and ponds created by excavating	
		such purposes as stock watering, irrigation, settling basins, or
	rice growing.	such perpendicular transfer, and another permits of the contraction of
	Artificial reflecting or swimming pools or other	small ornamental bodies of water created
	by excavating and/or diking dry land to retain w	
		dental to construction activity and pits excavated in dry land for
		ess and until the construction or excavation operation is
		s the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[] Isolated, intrastate wetland with no nexus to inte	rstate commerce.
	[ ] Prior converted eropland, as determined by the N	Natural Resources Conservation Service. Explain rationale:
	[ ] Non-tidal drainage or irrigation ditches exeavated	
	[ ] Other (explain):	,
	•••	
DATA	REVIEWED FOR JURISDICTIONAL DETERMINAT	TON (mark all that apply)
DAIA	[X] Maps, plans, plots or plat submitted by or on behal	
	[] Data sheets prepared/submitted by or on behalf of the	
	[ ] This office concurs with the delineation report, d	
	[] This office does not concur with the delineation	report, dated , prepared by (company):
	[] Data sheets prepared by the Corps.	
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Arlas:	
	[] U.S. Geological Survey 7.5 Minute Topographic ma	
	[] U.S. Geological Survey 7.5 Minute Historic quadran	
	[ ] U.S. Geological Survey 15 Minute Historic quadrang	
	[ ] USDA Natural Resources Conservation Service Soil	Survey:
	[ ] National wetlands inventory maps:	
	[] State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[ ] 100-year Floodplain Elevation is: (NGVD)	
	[ ] Aerial Photographs (Name & Date):	
	[X] Other photographs (Date): Sept 1997	
	[] Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on:	
	[] Applicable/supporting case law:	
	[X] Other information (please specify): Hydrographic S	urvev Aug 2004
	[1-] Otto: mioritation (prouse specify), Hydrographic S	minaj rimb accit

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00058 PROJECT LOCATION INFORMATION: State: New York Sullivan County: Center eoordinates of site (latitude/longitude): lat:41-41-36.9960 lon:74-47-53.0160 Approximate size of area (parcel) reviewed, including uplands: 5 aeres. Name of nearest waterway: Unnamed Tributary Name of watershed: DELAWARE RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [] Site visit [X]Date: December 14, 2004 Jurisdictional Determination (JD): [ ] Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.86 acre of wetland and 520 linear feet of intermittent channel. [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or forcign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [1] (2) The presence of interstate waters including interstate wetlands!. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetland on the site are associated with an unnamed tributary to Lybolt Brook, which ultimately drains to the Delaware River.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[ ] High Tide Line indicated by:
[X] elear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[ ] physical markings/characteristics
[ ] destruction of terrestrial vegetation	[ ] tidal gages
[] shelving	[ ] other:
[ ] other:	
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wet Consultants and Sullivan County DPW.	land delineation map and/or in a delineation report prepared by: ERS
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[ ] Unable to confirm the presence of waters in 33 CF	R part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on th	e basis of 33 CFR part 328.3(a)(3).
[ ] The Corps has made a case-specific determination t	that the following waters present on the site are not Waters of
the United States:	
[ ] Waste treatment systems, including treatment po	
[] Artificially irrigated areas, which would revert t	
[] Artificial lakes and ponds created by excavating	
retain water and which are used exclusively for rice growing.	such purposes as stock watering, irrigation, settling basins, or
[ ] Artificial reflecting or swimming pools or other	small ornamental hodies of water created
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unl	less and until the construction or excavation operation is is the definition of waters of the United States found at 33 CFR
[] Isolated, intrastate wetland with no nexus to inte	erstate commerce.
	Natural Resources Conservation Service. Explain rationale:
[ ] Non-tidal drainage or irrigation ditches exeavate [ ] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	MINATION (mark all that anniv):
[X] Maps, plans, plots or plat submitted by or on behal	
[] Data sheets prepared/submitted by or on behalf of t	
[ ] This office concurs with the delineation report, of	dated , prepared by (eompany):
[] This office does not concur with the delineation	report, dated , prepared by (company):
[ ] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic m	
U.S. Geological Survey 1.5 Minute Historic quadran	
[X] USDA Natural Resources Conservation Service Soi	•
[ ] National wetlands inventory maps:	<del></del> <del></del> .
[X] State/Local wetland inventory maps:	
[ ] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[ ] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: 14 December	π 2004
[] Applicable/supporting case law:	
[ ] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00444 PROJECT LOCATION INFORMATION: New York State: Westehester County: Center eoordinates of site (latitude/longitude): lat:40-49-59.9880 lon:73-49-59.9880 Approximate size of area (pareel) reviewed, including uplands: 1.0 aeres. Name of nearest waterway: Bronx River Name of watershed: BRONX RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: June 20, 2005 [X]Site visit(s) [] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [ ] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [ ] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cheek all that apply):

[X] (5) The presence of a tributary to a water identified in (1) - (4) above. [ ] (6) The presence of rerritorial seas. [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Bronx River flows directly into Long Island Sound, which is navigable.

[] (4) Impoundments of waters otherwise defined as waters of the US.

Lateral Extent of Jurisdiction: (Reference: 33 CFR  [X] Ordinary High Water Mark indicated by:  [X] clear, natural line impressed on the bank  [] the presence of litter and debris  [] changes in the character of soil  [] destruction of terrestrial vegetation  [] shelving  [] other:	parts 328 and 329) [] High Tide Line indicated by:  [] oil or seum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetl	land delineation map and/or in a delineation report prepared by:
the United States:  [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert of a lakes and ponds created by excavating retain water and which are used exclusively for rice growing.  [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain to the purpose of obtaining fill, sand, or gravel un abandoned and the resulting body of water meet 328.3(a).  [] Isolated, intrastate wetland with no nexus to interpretations.	the basis of 33 CFR part 328.3(a)(3). That the following waters present on the site are not Waters of conds or lagoons, pursuant to 33 CFR part 328.3. To upland if the irrigation ceased. It is and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or resmall ornamental bodies of water ereated water for primarily aesthetic reasons. It is idental to construction activity and pits exeavated in dry land for less and until the construction or exeavation operation is to the definition of waters of the United States found at 33 CFR erstate commerce.  Natural Resources Conservation Service. Explain rationale:
[X] Maps, plans, plots or plat submitted by or on beha [] Data sheets prepared/submitted by or on behalf of the [] This office concurs with the delineation report, [] This office does not concur with the delineation [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey T.5 Minute Topographic in [] U.S. Geological Survey 7.5 Minute Historic quadra [] U.S. Geological Survey 15 Minute Historic quadra [] U.S. Geological Survey 15 Minute Historic quadra [] U.S. Autural Resources Conservation Service Soi [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [] Other photographs (Date): [] Advanced Identification Wetland maps: [] Site visit/determination eonducted on: [] Applicable/supporting case law: [] Other information (please specify):	alf of the applicant. the applicant. dated , prepared by (company): a report, dated , prepared by (company):  naps: ngles: ngles:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and eriteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) : DISTRICT OFFICE: FILE NUMBER: 2005-00448 PROJECT LOCATION INFORMATION: New Jersey State: County: Hudson Center eoordinates of site (latitude/longitude): Iat:40-45-34.9920 lon:74-8-15.0000 Approximate size of area (parcel) reviewed, including uplands: 0.83 acres. Name of nearest waterway: Hackensack River HACKENSACK RIVER Name of watershed: JURISDICTIONAL DETERMINATION Date: May 6, 2005 Completed: Desktop determination [X]Site visit(s) Г٦ Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project sitc. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the cbb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [ ] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate eommerce including any such waters (check all that apply): [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [1 (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [ ] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above. [ ] (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination. The Kearny Marsh is adjacent to the Hackensack River as it is located behind existing earthen berms, and active railroad tracks.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Lateral Extent of Jurisdiction: (Reference: 33 CF [X] Ordinary High Water Mark indicated by:  [X] clear, natural line impressed on the bank [X] the presence of litter and debris [X] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	[] High Tide Line indicated by:  [] oil or scum line along shore objects  [] fine shell or debris deposits (foreshore)  [] physical markings/characteristics  [] tidal gages  [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical mark	ings; [] vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached w	etland delineation map and/or in a delineation report prepared by:
the United States:  [] Waste treatment systems, including treatment [] Artificially irrigated areas, which would rever [] Artificial lakes and ponds created by excavative retain water and which are used exclusively for rice growing. [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain [] Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water mad 328.3(a). [] Isolated, intrastate wetland with no nexus to infinite interest [] Prior converted cropland, as determined by the infinite interest [] Non-tidal drainage or irrigation ditches excavate [] Other (explain):	the basis of 33 CFR part 328.3(a)(3). In that the following waters present on the site are not Waters of ponds or lagoons, pursuant to 33 CFR part 328.3. In to upland if the irrigation ceased, ing and/or diking dry land to collect and for such purposes as stock watering, irrigation, settling basins, or mer small ornamental bodies of water created in water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is eets the definition of waters of the United States found at 33 CFR interstate commerce.  The Natural Resources Conservation Service. Explain rationale: ated on dry land. Explain rationale:
REVIEWED FOR JURISDICTIONAL DETERMIN  [X] Maps, plans, plots or plat submitted by or on be  [] Data sheets prepared/suhmitted by or on behalf o  [] This office concurs with the delineation repor  [] This office does not concur with the delineati  [] Data sheets prepared by the Corps.  [] Corps' navigable waters' studies:  [] U.S. Geological Survey Hydrologic Atlas:  [] U.S. Geological Survey 7.5 Minute Topographie  [] U.S. Geological Survey 7.5 Minute Historic quade  [] U.S. Geological Survey 15 Minute Historic quade  [] USDA Natural Resources Conservation Service S  [] National wetlands inventory maps:  [] State/Loeal wetland inventory maps:  [] FEMA/FIRM maps (Map Name & Date):  [] 100-year Floodplain Elevation is: (NGVD)  [] Aerial Photographs (Name & Date):  [X] Other photographs (Date):  [] Advanced Identification Wetland maps:  [] Site visit/determination conducted on:  [] Applicable/supporting case law:  [] Other information (please specify):	chalf of the applicant.  of the applicant.  rt, dated , prepared by (company): on report, dated , prepared by (company):  maps: Weehawkin drangles: rangles:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delincated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, bydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00478 PROJECT LOCATION INFORMATION: New York State: County: Rockland Center coordinates of site (latitude/longitude): lat:41-6-33.0120 lon:74-5-52.0080 Approximate size of area (parcel) reviewed, including uplands: 2 acres. Name of nearest waterway: Unnamed Tributary PASSAIC RIVER Name of watershed: JURISDICTIONAL DETERMINATION Date: May 20, 2005 Completed: Desktop determination IXI Site visit(s)  $\Gamma$ Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of t United States" and/or "navigable waters of the United States" on the project site. A preliminary ID is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [ ] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [ ] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or eould be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [ ] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above. [ ] (6) The presence of territorial seas. [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rational eused to make adjacency determination: The unnamed stream is tributary to the Passaic River which is navigable.

Lateral Extent of Jurisdiction: (Referen [X] Ordinary High Water Mark indicated [] clear, natural line impressed on the [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [X] other: Applicants Drawings & Photon	by: [ ] High Tide Line indicated by: bank [ ] oil or scum line along shore objects [ ] fine shell or debris deposits (foreshore) [ ] physical markings/characteristics [ ] tidal gages [ ] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] phys	rical markings; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the	attached wetland delineation map and/or in a delineation report prepared by:
[] The Corps has made a ease-specific dethe United States:  [] Waste treatment systems, including [] Artificially irrigated areas, which w [] Artificial lakes and ponds created by retain water and which are used exerice growing.  [] Artificial reflecting or swimming popular by excavating and/or diking dry lan [] Water-filled depressions created in a the purpose of obtaining fill, sand, a abandoned and the resulting body of 328.3(a).  [] Isolated, intrastate wetland with no [] Prior converted cropland, as determined.	ers in 33 CFR part 328(a)(1, 2, or 4-7). diction on the basis of 33 CFR part 328.3(a)(3). termination that the following waters present on the site are not Waters of treatment ponds or lagoons, pursuant to 33 CFR part 328.3. ould revert to upland if the irrigation ceased. It is executating and/or diking dry land to collect and elusively for such purposes as stock watering, irrigation, settling basins, or tools or other small ornamental bodies of water created do to retain water for primarily aesthetic reasons. They land incidental to construction activity and pits excavated in dry land for or gravel unless and until the construction or excavation operation is for water meets the definition of waters of the United States found at 33 CFR
[X] Maps, plans, plots or plat submitted by [] Data sheets prepared/submitted by or or [] This office concurs with the delinea [] This office does not concur with the [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atl [] U.S. Geological Survey 7.5 Minute Top [] U.S. Geological Survey 15 Minute His [] U.S. Geological Survey 15 Minute His [] USDA Natural Resources Conservation [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date [] 100-year Floodplain Elevation is: [] Aerial Photographs (Name & Date): [X] Other photographs: Undated [] Advanced Identification Wetland maps: [] Site visit/determination conducted on: [] Applicable/supporting case law: [] Other information (please specify):	y or on behalf of the applicant.  In behalf of the applicant.  Ition report, dated , prepared by (company):  It delincation report, dated , prepared by (company):  It delincati

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2005-00590 PROJECT LOCATION INFORMATION: New York County: Nassau Center coordinates of site (latitude/longitude): lat:40-39-19.0080 lon:73-28-48.0000 Approximate size of area (parecl) reviewed, including uplands: 0.5 acres. Name of nearest waterway: Schmidt Canal Name of watershed: SOUTH OYSTER BAY JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: June 21, 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [ ] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cheek all that apply):

[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

[ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[ ] (4) Impoundments of waters otherwise defined as waters of the US.

[ ] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

[] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Schmidt Canal is a tidal canal leading straight into South Oyster Bay which is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CF)	R parts 328 and 329)
	[ ] Ordinary High Water Mark indicated by:	[X] High Tide Line indicated by:
	[ ] clear, natural line impressed on the bank	[ ] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[ ] destruction of terrestrial vegetation	[] tidal gages
	• •	
	[] shelving	[X] other: Applicant's photos & drawings
	[ ] other:	
	[X] Mean High Water Mark indicated by:	
		ings; [] vegetation lines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached we	stland delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[ ] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 C	FR part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on t	
		that the following waters present on the site are not Waters of
	the United States:	that the following waters present on the site are not waters of
	[] Waste treatment systems, including treatment	ponds or lagoons, pursuant to 33 CFR part 328.3.
	[ ] Artificially irrigated areas, which would revert	
	[ ] Artificial lakes and ponds created by excavatir	
		or such purposes as stock watering, irrigation, settling basins, or
	rice growing.	i such purposes as stock watering, irrigation, setting busins, or
	[] Artificial reflecting or swimming pools or other	er small ornamental hodies of water created
	by excavating and/or diking dry land to retain	
		cidental to construction activity and pits excavated in dry land for
		nless and until the construction or excavation operation is ets the definition of waters of the United States found at 33 CFR
		starritata nammaraa
	[ ] Isolated, intrastate wetland with no nexus to in	
		Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excava	ted on dry land. Explain rationale:
	[ ] Other (explain):	
DATA	REVIEWED FOR JURISDICTIONAL DETERMINA	
	[X] Maps, plans, plots or plat submitted by or on beh	··
	[ ] Data sheets prepared/submitted by or on behalf of	
	[] This office concurs with the delineation report	, dated , prepared by (company):
	[ ] This office does not concur with the delineation	on report, dated , prepared by (company):
	[] Data shects prepared by the Corps.	
	[ ] Corps' navigable waters' studies:	
	[ ] U.S. Geological Survey Hydrologic Atlas:	
	[ ] U.S. Geological Survey 7.5 Minute Topographic r	naps:
	[ ] U.S. Geological Survey 7.5 Minute Historic quadr	
	[] U.S. Geological Survey 15 Minute Historic quadra	
	[] USDA Natural Resources Conservation Service So	
	[] National wetlands inventory maps:	ni Buivey.
	[] State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Acrial Photographs (Name & Date):	
	[X] Other photographs (Date): <u>Undated</u>	
	[] Advanced Identification Wetland maps:	
	[ ] Site visit/determination conducted on:	
	[ ] Applicable/supporting case law:	
	[] Other information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.